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NURSES' ROLE IN DISPENSING MEDICATIONS

A question has been raised as to what role, if any, a nurse has in the dispensing of medications. Dispensing of medications is generally considered to be the practice of pharmacy. See, KRS 315.010(19). However, KRS 315.040(2) specifically states that the Pharmacy Practice Act shall not prohibit a physician from "dispensing or supplying to patients any article that seems proper to the physician." KRS 315.040(6) also states that the Pharmacy Practice Act shall not interfere with the activities of an APRN as authorized by KRS Chapter 314 (the Nurse Practice Act).

KRS Chapter 217 regulates non-controlled drugs and KRS Chapter 218A regulates controlled drugs. KRS 217.015(9) defines "dispense" to mean "to deliver a drug...to an ultimate user...pursuant to the lawful order of a practitioner, including the packaging, labeling, or compounding necessary to prepare the substance for that delivery." KRS 218A.010(8) uses almost identical language for controlled substances to define "dispense".

KRS 218A.180(1) and (2) require a prescription before a controlled substance may be dispensed, "[e]xcept when dispensed directly by a practitioner to an ultimate user". To give affect to the entire statute, the exception language must be read to apply to a situation whereby a practitioner hands the controlled drug directly to the ultimate user without a prescription. When there is a prescription, the definition of dispense would apply. From the definition, there appear to be up to four parts to dispensing: packaging, labeling, compounding (if needed), and providing the drug to the patient.

There is nothing in the Medical Practice Act that would prohibit a physician from delegating any aspect of dispensing to a nurse. Likewise, the Nurse Practice Act does not prohibit a nurse from accepting a delegated act from a physician or APRN. Consequently, a physician may delegate aspects of dispensing to a nurse. Also, since an APRN may dispense non-scheduled, legend drug samples to patients, the APRN may delegate aspects of dispensing those medications to a nurse.